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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2009-185

11 ELI ROBERT BEAULIEU  
12 8941 Palomar Ave.  
Atascadero, CA 93422

**ACCUSATION**

13 Registered Nurse License No. 673172

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about February 7, 2006, the Board of Registered Nursing issued  
22 Registered Nurse License Number 673172 to Eli Robert Beaulieu (Respondent). The Registered  
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on July 31, 2009, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing  
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

1           4.       Section 2750 of the Code provides, in pertinent part, that the Board may  
2 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
3 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4           5.       Section 2764 of the Code provides, in pertinent part, that the expiration of  
5 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
6 against the licensee or to render a decision imposing discipline on the license.

7                               STATUTORY AND REGULATORY PROVISIONS

8           6.       Section 2761 of the Code provides, in pertinent part, that the Board may  
9 take disciplinary action against a certified or licensed nurse for any of the following:

10                   (a) Unprofessional conduct, including but not limited to, (1) incompetence, or  
11 gross negligence in carrying out usual certified or licensed nursing functions; and/or

12                   (f) Conviction of a felony or of any offense substantially related to the  
13 qualifications, functions, and duties of a registered nurse, in which event the record of the  
14 conviction shall be conclusive evidence thereof.

15           7.       Section 490 of the Code provides, in pertinent part, that the Board may  
16 discipline a license because the licensee has been convicted of a crime substantially related to the  
17 qualifications, functions, or duties of the business or profession for which the license was issued.

18           8.       California Code of Regulations, title 16, section 1444 provides that a  
19 conviction or act shall be considered substantially related to the qualifications, functions or duties  
20 of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a  
21 registered nurse to practice in a manner consistent with public health, safety, or welfare. Such  
22 convictions or acts shall include but not be limited to assaultive or abusive conduct such as those  
23 violations listed in subdivision (d) of Penal Code Section 11160, and any conviction or act  
24 subject to an order of registration pursuant to Section 290 of the Penal Code.

25           9.       Penal Code section 11160, subdivision (d), provides in pertinent part that  
26 "assaultive or abusive conduct" shall include abuse of a spouse or cohabitant, in violation of  
27 Section 273.5, as well as any attempt to commit this crime.  
28                               JUL 12 11 13 AM '13

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1 c. On or about January 17, 2008, a protective order was issued prohibiting or  
2 limiting Respondent's contact with the alleged victim of the injury;

3 d. On or about March 13, 2008, the criminal charges against Respondent in  
4 Case No. F16320 were amended to substitute a misdemeanor charge under Penal Code section  
5 273.5, subdivision (a) for the prior felony charge. Respondent then pleaded *nolo contendere* to  
6 the amended (misdemeanor) first count. The second count was dismissed pursuant to the plea.  
7 Imposition of sentence was suspended in favor of a period of formal probation of 36 months on  
8 terms and conditions including 90 days in county jail (2 days CTS), with furlough recommended,  
9 fines and fees (including domestic violence and battered women's shelter assessments), entry and  
10 completion of a 52-week domestic violence program, and 20 hours of volunteer service.

11 DISCIPLINE CONSIDERATIONS

12 12. To determine the level of discipline, if any, to be imposed on Respondent,  
13 Complainant alleges that on or about February 19, 1999, in a criminal case titled *People v. Eli*  
14 *Robert Beaulieu*, Case No. M000278639 in San Luis Obispo County Superior Court, Respondent  
15 was also convicted of violating Vehicle Code section 23103 by reference to Vehicle Code section  
16 23103.5 (Reckless Driving with Alcohol Involved), a misdemeanor. Pursuant to statute, this was  
17 a plea substituted for the original charges of violating Vehicle Code section 23152, subdivision  
18 (a) (Driving While Under the Influence of Alcohol/Drugs) and subdivision (b) (Driving With  
19 Blood Alcohol In Excess of 0.08%), as provided for in Vehicle Code section 23103.5.

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21  
22 PRAYER


23 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
24 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 25 1. ~~Revoking or suspending~~ Registered Nurse License Number 673172, issued  
26 to Eli Robert Beaulieu (Respondent);  
27 2. Ordering Respondent to pay the Board reasonable costs of investigation  
28 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as is deemed necessary and proper.

DATED: 2/26/09

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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BOARD OF

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